

## REILLY WILL TRIAL.

The Contestants' Witnesses Still Being Examined.

## THE TENOR OF THE TESTIMONY

Is Not Unlike That of Witnesses Who Have Already Testified—The Same Story of Failing Powers, Mentally and Physically, Continues—Mr. J. H. Hobbs Tells the Story of the Windsor Hotel Transactions.

The trial of the Reilly will contest was resumed yesterday morning in the circuit court, Judge John A. Campbell presiding. The entire day was taken up in the examination and cross-examination of witnesses summoned by the contestants. The usual large morning crowd was in attendance and that present during the afternoon was fully as large as any that has attended since the trial commenced.

The first witness was Mr. Henry Dieberson, a member of the board of directors of the State Fair Association, and who had attended meetings of that body at which Mr. Reilly had been present. He stated that Mr. Reilly had a habit of dozing off to sleep during these meetings, and did not seem to know what was going on. He corroborated what Mr. Hamilton had testified, that Michael Reilly had voted against a motion proposed by himself.

Mr. L. F. Knight, who travels for the Schultz soap house, of Zanesville, next testified. He had sold to the Reilly firm for twenty years. In later years Mr. Reilly did not recognize him, and the witness did not consider him competent to attend to business. The witness further testified that he submitted the orders given by Michael Reilly to his son James.

Brother James Cummins said he had sold him goods up to eight months before his death. For a year before his death his business transactions had not been directly through Michael Reilly, but went through the hands of James Reilly. He did not consider the deceased capable of attending to business. After Thomas's death Mr. Reilly seemed to be falling even more than before.

Charles Vance is a Benwood merchant, and was frequently in the Reilly store. In the midst of a conversation Mr. Reilly would go to sleep. James Reilly seemed to be in charge of the business after the death of Thomas. On cross-examination, the witness said the deceased always talked intelligently.

## MR. WHITE TESTIFIES.

The next witness was Frank M. White, who, for a period of six years, was the bookkeeper at the Reilly store, made up of two periods. He testified that Thomas Reilly was the manager of the business. The "captain on deck" was Mr. Michael Reilly. The captain on deck did nothing, according to the witness, but find fault with everybody, and all the time, especially on Monday mornings. According to the witness, he seemed to "store it up over Sunday." He was easily influenced by any man with a slick tongue, and had to be protected from impostors. Witnesses had more influence with him than his own sons. The gentleman always took the opposite course from what his sons and the witness desired. Asked as to how this quality was overcome, witness said they always advocated a course that they really did not favor, and that the old gentleman would then come around all right. The deceased was forgetful, and on one occasion mistook his watch for his eye-glasses. Once in a while he would attempt to manage his own business, and then there "would be a mix." Witness gave instances of unbusiness-like transactions by the deceased.

He testified that he had a conversation with Father Sullivan at the post-office on February 10, 1893. Father Sullivan had opened the conversation by asking witness what he thought of Mr. Michael Reilly's mental condition. Witness had answered that he was in his second childhood. Then Father Sullivan had said, "you are on the other side," and witness had answered, "no, I will tell the truth to both sides." On that occasion Father Sullivan told witness how he became an executor of the will. He afterwards saw Bishop Kain about the matter.

## AFTERNOON SESSION.

At the afternoon session Mr. White was again on the stand. Asked as to Mr. Reilly's selling real estate, he knew of a sale to Mr. Zarnits. The price was set beforehand at \$12,000. An article of agreement was drawn up and signed, but a day or two later the witness was surprised to hear Mr. Reilly say he believed he would not sell the property. The property was sold direct.

As to service rendered by James Reilly he said it was faithful. As to Mrs. Jamison, she attended to his house and would often bathe and attend him. Mrs. Jamison was always faithful in her attentions.

Mr. Reilly had no first hand knowledge of the business—only what the employees would tell him, and he often forgot what were in the statements. He made peculiar mistakes in looking over the books, not comprehending matters at all. Witness said deceased did not know which branch of the business paid better. Mr. Reilly had an idea that the real estate had to hold up the grocery branch, but witness had made a statement showing the very opposite to be true. Witness said he claimed to know considerably regarding the meat business, but had to depend on Fritz Luikert. He was "great on averages," and would have a "handness for twenty" and thirteen pound hams, and would not be satisfied with hams weighing more than that.

He said Father Sullivan in a conversation had told him the boys were mistaken if they thought this was going to be "a wishee washes" trial and that it would be carried to the higher court.

Mr. Hubbard submitted a letter to witness, who said it was written and signed by Mr. Reilly, dated New Orleans in December, 1888. He was grieved to hear of the illness of several of his children. He describes the beauties of the southern climate. He says he loves his family greatly, and says his children are ones to be proud of. He further describes the scenes found on his tour and tells of many incidents in a graphic style.

Another dated January 1, 1884, is addressed to his son George. The letter relates the happy scenes at a New Year's dinner. He was glad to hear Michael had improved in health. Witness said the letter was genuine. A third letter to George, dated in Wheeling in 1884, shows a fine choice language, and his affection for his family crops out frequently.

## CROSS-EXAMINATION.

On cross-examination by Mr. Russell, witness said "bluffing" went on in the store every day. "All had to bluff; to do it to some extent at times because he

got troublesome." This "bluffing" always satisfied Mr. Reilly. While witness was there Thomas was the head of the firm. George was in charge of the shipping department, and James was on the road, and after that did the buying. The positions of the boys were uncertain; the old gentleman would take matters out of the boys' hands. Mr. Reilly never bought from brokers without consulting with some of the boys. He often bought meat when there was a big supply at the pork house.

The old gentleman would "take the part" of the employees against the sons, whenever they wanted to get rid of men in the store. One man in the employ of the firm who often "bluffed" the old man seemed to be "solid" with the old man. They did not get rid of the man until the witness told him of the matter.

Regarding the \$5,000 note, he overheard a conversation between Thomas and his father, and the former expressed surprise, as the firm had money on deposit.

The objects of the "non-retail" agreement was to cut off the supplying of provisions to the hotels. The agreement did not operate in the case of the Hotel Windsor.

Regarding a conversation with Father Sullivan he had a copy of a memorandum telling of the conversation. There was some controversy about the record of the conversation, and the cross-play between the witness and attorney caused some amusement. Witness said he did not remember he had told Father Sullivan he was "the principal witness." The contestants seemed to understand what Father Sullivan meant by "wishee washes" business. The attorney questioned the witness regarding the memorandum and witness explained the paper itself was not submitted, only the contents verbally. Father Sullivan had offered suggestions, but Mr. Reilly had answered, "Father Sullivan, I am not asking you for suggestions, I am simply asking you to be the executor on this will."

Witness said Father Sullivan had heard the will read twice after the store interviews, at "an appointed place and time." Regarding a list of questions, witness believed he remembered that Father Sullivan had submitted questions, and that Mr. Reilly had instructed the attorneys to make the will comply with the "questions or suggestions." On further cross-examination, he said the trust was accepted at the third meeting, but did not know whether the will was signed at that time or not.

## PECULIAR TRANSACTION.

Regarding the Zarnits transaction he related what he knew, and said Mr. Reilly afterwards wanted one-half down, and finally Zarnits consented to pay all down, which he did.

Joseph Buch was the next witness called. His examination was conducted by Mr. Hutchinson. He knew Mr. Michael Reilly and was in his employment since 1874. He "worked around the store, and had charge of the liquor room." He ceased working there in April, 1892. He saw Mr. Reilly nearly every day, also the sons. James was the manager. Thomas was bookkeeper and cashier until his death.

Asked as to appearance or conduct of the old gentleman at the store, witness said during the last fifteen months "he was going down the hill both ways pretty fast." He was very forgetful. He was not active, and in the office he appeared drowsy and was often asleep, at least "his eyes were not open." He did not attend to business very much.

"Did you notice a failure of his mind?"

"There was a big change, he was childish; sometimes he would come out of the office and call my partner, when he wanted me. He couldn't see very well, and sometimes he would not know me. He left the safe open one night, where the money and books were kept. Both inside and outside the safe were open. He asked me about it and then sat down in his chair." Regarding the purchase of a truck from Groer & Lanz, witness said he went over there and told them to deliver it, and after it was brought over he claimed he had not bought it. This occurred the same day he had bought the truck. He worked at the store when the fire took place. The deceased claimed witness was the cause of the fire, and said he ought to have been there when the fire broke out. The fire occurred at 2 o'clock in the morning. Witness had asked George Reilly to let him off that morning, between 4 and 5 o'clock. His regular time for leaving was 6 o'clock.

Witness said he had to make memoranda for Mr. Reilly regarding proper purchases. He always asked for his "little nip," and would then go to sleep in the room. A year before he died he bought twenty-five barrels of wine, enough

## TO LAST FOR TEN YEARS.

Deceased depended on Thomas, then James, then George. Mr. Reilly was "easily fooled" during the last year. He asked for a raise in salary and Mr. Reilly readily complied, and then forgot all about it. As to dropping of money about the office, "Thomas never got it right. He was often afraid of his father, and often would take off his coat outside and make him believe he had been there before. Everybody got it that way, except me; I got there first."

Witness knew Father Sullivan and often saw him at the store, after Thomas's death. They would "talk in the sugar room" for ten or fifteen minutes. This took place more than once or twice. Mr. Reilly would sit on a sugar barrel and Father Sullivan would stand alongside.

On cross-examination by Mr. Russell, he said the interviews took place in the sugar room after Thomas's death, during the summer. He saw them more than once or twice. The visits were two or three weeks apart. Mr. Reilly would sometimes be there after supper. He

## Driving the Brain

at the expense of the Body. While we drive the brain we must build up the body. Exercise, pure air—foods that make healthy flesh—refreshing sleep—such are methods. When loss of flesh, strength and nerve become apparent your physician will doubtless tell you that the quickest builder of all three is

## Scott's Emulsion

of Cod Liver Oil, which not only creates flesh of and in itself, but stimulates the appetite for other foods.

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would lock Mr. Reilly in sometimes, but he had a key to get out. On the occasion when the safe was found open he "had locked Mr. Reilly in." The purchase of the truck occurred in the eighties, after the flood of 1884. He told of the truck incident, and said the "boss" (Mr. Reilly) had told him when the truck came over that he had not bought it. He described his duties in charge of the liquor room. Regarding the wine incident he said the wine he bought didn't get good with age—it got sour. Before he left the store they sold it out in job lots. The wine was bought before Thomas's death. When the wine came in "the boys said they didn't buy it." That was why he knew Mr. Reilly bought it. Witness recalled the raise in wages incident, and said he "had to ask him for an increase was when there was an increase in my family." At July, 1891, the wages were \$60, and then when he had asked the wages were not increased, until he "tackled" him again, and then he said, "go in the office or I will forget all about it."

## MR. HOBBS TESTIFIES.

Mr. J. H. Hobbs was the next witness, and had business relations with Mr. Reilly which in later years were not pleasant. His mind in later years gave way, and he was irritating and insulting, and finally he forced him to sell in 1890. For two years before 1890 he had been employed in Mr. Carney's hotel, and had been employed in 1888, and the hotel was to be opened before the fair week. Things went all right until the bills came in when he became very insulting, and became sour and made ridiculous charges. He was angry because Mr. Carney would not make all purchases from the Reilly store. His mind all the time grew worse, and grew so bad, that witness told him he would do nothing with him in person. He then wrote letters; then those ceased and Thomas wrote him. He would go to the hotel and would not know what he came for; the saliva ran from his mouth. He showed no comprehension of business. Mr. Hobbs said he was utterly incompetent for several months before he closed business connections with him.

On cross-examination witness said the hotel changed hands in April, 1890, and he paid Mr. Reilly a little over \$20,000. The change in ownership took place through an auction sale, and was done out of court to save expense. The deal was completed almost entirely through Thomas; the old gentleman was not in condition to do business alone. There had been trouble when the furniture was bought in 1888, and he seemed to have no idea of what was necessary in outfitting a hotel. He never paid much attention to his complaints. Most of the trouble occurred several months before he purchased the Reilly interest in 1890. The trouble was of the character of fault-finding, repetition and repetition. The burden of the complaint was

"YOU AND MR. CARNEY are doing this thing and that thing, and he charged Mr. Carney and myself with having a club room there, in an idiotic sort of way."

He made these complaints in a way that attracted the attention of bystanders, who looked as though they thought he was crazy. Another complaint was that there was too much help, and that not enough money was made. He recalled the State Fair week incident, when he was dissatisfied because \$5,000 had not been made during the week.

Mr. Hobbs said there were no rooms especially for entertainment purposes; no private dining room. No. 11 was one of the best rooms of the house, fitted up just like the others.

Albert Schenk was called upon to testify. He knew Mr. Reilly and had business transactions with him. He was a great man to find out about other people's business, and would talk awhile and then drop off to sleep. "All of a sudden he would make up his mind, and I had said." Sometimes he would understand, but his memory was bad, and he would forget in a short time. He was easily influenced by Mr. Luikert, and the latter controlled the meat branch of the business. In the last year of his life he got weak minded. A day or two before Governor Fleming was elected the latter came in and was introduced to Mr. Reilly, who said, "the Schenk boys are nice boys, but they didn't vote for you." The witness thought this a "fannypiece of talk."

To Mr. Russell the witness said Luikert influenced Mr. Reilly. He started in his business only two months before his death. The burden of his conversation with Mr. Reilly was, "this is good weather to kill hogs." Then he would rub his hands. Asked if he had put "dust in Mr. Reilly's eyes," witness said it "didn't take much to put it there." Witness said Mr. Reilly would not always understand the conversations going on, and would drop off to sleep.

The testimony ended the day's proceedings. Court adjourned to meet this morning at 9:30 o'clock.

## COLUMBUS WATCH COMPANY FALLS.

COLUMBUS, O., Jan. 1.—Philip H. Bruck, was to-night appointed receiver for the Columbus Watch Company, bond \$50,000. The company was organized about ten years ago with a capital stock of \$275,000. The outstanding obligations are about \$250,000. The last invoice showed \$450,000.

DURING the past half century—since the discovery of Ayer's Sarsaparilla—the average life of human life in civilized countries has been considerably lengthened. Ayer's Sarsaparilla is one of the very best considered the standard blood-purifier, the Superior Medicine.

About a year ago I took a violent attack of the grippe. I coughed day and night for six weeks; my wife then suggested that I try Chamberlain's Cough Remedy. At first I could see no difference, but as I kept taking it, and soon found that it was what I needed. If I got no relief from one dose I took another, and it was only a few days until I was free from the cough. I think people in general ought to know the value of this remedy, and I take pleasure in acknowledging the benefit I have received from it. MADISON MUSTARD, Otway, Ohio. 25 and 50 cent bottles for sale by Chas. R. Goetze, W. W. Irwin, C. F. Schenck, Chas. Menckemeller, W. E. Williams, J. E. Price, A. E. Scheele, W. Menckemeller, John Coleman, Richards & McElroy, W. H. Higgins, Wheeling; Bowie & Co., Bridgeport, and B. F. Peabody & Son., Benwood, druggists.

Spain has fewer daily papers than any other country in Europe.

The usual treatment of catarrh is very unsatisfactory, as thousands can testify. Proper local treatment is positively necessary to success, but many, if not most, of the remedies in general use afford but temporary relief. A cure certainly cannot be expected from snuffs, powders, douches and washes. Ely's Cream Balm, which is so highly recommended, is a remedy which combines the important requisites of quick action, specific curative power, with perfect safety and pleasantness to the patient. The druggists all sell it.

## BELLIAIRE.

All Sorts of Local News and Gossip from the Glass City.

Over a thousand miners are now idle in this section, all of those employed at the C. L. & W. Meehan's, Trol's, Kidd's and Simpson's mines having refused to accept a reduction in the price of mining unless the state board of their organization endorsed it. This board meets at Columbus on the 9th. In the meantime all of these mines are idle and only one railroad mine in this vicinity is in operation, that of Schick & Turnbull, where they agree that the settlement shall be binding from the first of the year, whichever way it goes. The move for a reduction is made by the operators because West Virginia coal is shipped into this state and delivered as far west as Columbus for what the coal here costs at the mine. An offer has been made in this city to furnish Fairmont, W. Va., coal at four cents, and the best that can be done here for the same coal is four and a half and five cents.

James M. Murphy, who is known in his circle as "Skip," has a badly broken jaw. At an early hour yesterday morning a crowd in Watkins' saloon were feeling something about which all are extremely cautious in their talk, but some how or other Murphy and Mike Jeffers got into a row, and Jeffers struck Murphy a blow on the jaw with his right fist that felled him to the floor, with his jaw broken in two places. This ended the scene in the saloon, and Murphy was hustled off to Dr. Klein's office, where his jaw was placed in proper position and held by wire threads. Officer O'Malley, who is on duty at the office all night, arrested Jeffers and a fellow named Cain, but the latter had no part in the row and was released. Jeffers is charged with maiming Murphy with malicious intent, but an effort is being made to patch the matter up.

The question of whether William Wilson, the showman who killed Officer Murphy, can be tried again for murder in the second degree will be raised at the approaching term of court, and it is among the first cases that will come up. The same questions that were recently raised in a case in Wheeling are involved, but some of the attorneys hold that the case is simply to be tried over again; others, that being convicted of manslaughter once he cannot now be tried for a higher crime.

Miss Olive Netz recently composed a song "Under the Old Apple Tree" that was sung at the Christian Church entertainment Monday night by Miss Laura Sellars.

The mayor of Bridgeport passed through town yesterday with two men bound for the Zanesville work house. One of them had whipped his mother.

A new time card is in effect on the B. & O. railroad, and the through freight train only comes here every other day now.

Charles Rosser and associates have bought a farm in Virginia on which they claim is a granite quarry of value.

Jacob Kasten got the stove given out by the stove moulders' union for the benefit of their lodge.

None of the Bellaire attorneys attended the banquet at St. Clairsville Monday night.

Rev. Dr. Alexander, of St. Clairsville, was in town yesterday.

Roderer Bros.' glass factory will start up next Monday again.

## Pittsburgh Produce Market.

PITTSBURGH, PA., Jan. 2.—Butter, Elgin creamery 34c; Ohio fancy creamery 35c; fancy country roll 26c; low grades and cooking 16c; grease 8c; Cheese, Ohio new 11c; 11c; New York new 12c; Swiss, Ohio tubs 14c; Wisconsin Swiss in 20-lb bricks, 15c; 15c; in tubs 15c; Limburger, new make 13c; 13c; strictly fresh, Pennsylvania 14c; in cases, 2-lb; southern 22c; cold storage 19c 20c. Poultry, large live chickens 45c; 45c; per pair; do small, 55c; ducks 45c; per pair; geese 45c; per pair; live turkeys 10c; per pound; dressed chickens, drawn 10c; per pound; turkeys 12c; per pound; ducks 12c; per pound; geese 12c; per pound; dressed turkeys 10c; per pound; ducks 10c; per pound; geese 10c; per pound; other kinds 45c; fancy turkeys from store 50c; per bushel; per barrel \$1.00; 25c; sweets \$2.50; 55c; per barrel; Baltimore sweets \$2.00; 25c. Cabbage, per 100 head, 5c; 5c; as to quality and size; carrots, per ton \$10.00; 60c; according to quality; per barrel \$1.00; 25c. Onions, yellow globe \$1.00; 65c; per barrel; in bulk 50c; per bushel; mixed country stock 40c; 50c; per bushel; southern onions 30c; 50c; per crate. Turnips, purple tops, washed, 40c; per bushel; \$1.25; 40c; per barrel. Celery, 15c; per bushel. Rutabagas \$1.00; 25c; per barrel. Carrots \$1.25; 50c; per barrel.

## How's This?

We offer One Hundred Dollars Reward for any case of Catarrh that cannot be cured by Hall's Catarrh Cure.

F. J. CHENEY & Co., Props., Toledo, O.

We, the undersigned, have known F. J. Cheney for the last fifteen years, and believe him perfectly honorable in all business transactions and financially able to carry out any obligation made by him.

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Hall's Catarrh Cure is a very internal remedy, acting directly on the blood and mucous surfaces of the system. Price, 75c per bottle. Sold by all druggists. Testimonials free.

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As a family medicine Bacon's Celery Cure passed from sire to son as a legacy. If you have kidney, liver or blood disorder do not delay, but get a free sample package of this remedy at once. If you have indigestion, constipation, headache, rheumatism, etc., this grand specific will cure you. The Logan Drug Co., the leading druggists, are sole agents and are distributing free samples free to the afflicted. Large packages 50c.

It is estimated that every thousand years the human race grows an inch taller.

## Now Try This.

It will cost you nothing and will surely do you good, if you have a cough, cold, or any trouble with throat, chest or lungs. Dr. King's New Discovery for Consumption, Coughs and Colds is guaranteed to give relief, or money will be paid back. Sufferers from la grippe found it just the thing and under its use had a speedy and perfect recovery. Try a sample bottle at our expense and learn for yourself just how good a thing it is. Trial bottles free at Logan Drug Co.'s drug store. Large size 50c and \$1.00. 3

## For Colds,

Coughs, Croup, Influenza, and Bronchitis, USE

## AYER'S

CHERRY PECTORAL

the best of all anodyne expectorants.

Prompt to act, Sure to Cure

ATTRACTIVE SALE—GEO. R. TAYLOR.

## First Attractive Sale 1894.

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## LADIES' CAMBRIC

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## Muslin Underwear

AT MARKED-DOWN PRICES!

Sale Commencing this (Tuesday) Morning

All garments were made to order and materials and workmanship are the best.

The ladies are invited to call and examine this stock of Underwear and see the Marked Down Prices, which are in plain figures.

LADIES' CLOTH JACKETS and CAPES continued at exactly Half Price!

EIDER DOWN QUILT Sale in Market Street Room, also continued at Marked Down Prices.

GEO. R. TAYLOR.

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